

ORDINANCE 1548

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, VACATING A PORTION OF EAST FIFTH STREET; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, a petition for vacation of a portion of the City's right-of-way, commonly known as E. Fifth Street, was filed with the City of North Bend pursuant to RCW 35.79; and

WHEREAS, a public hearing was held on the proposed vacation of said right-of-way on March 3, 2015; and

WHEREAS, it appears that vacation thereof would be in the public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Street Vacation and Reservation of Easements: The following described portion of right-of-way commonly known as the 10' wide portion of E. Fifth Street that fronts the property at 429 Main Avenue North, and legally described as set forth in this section, is hereby vacated:

The Northwesterly 10 feet of Lot 1, Block 3 of Fremont Kelly's Subdivision of Tracts 1 and 2, WH Taylors Snoqualmie Prairie Acre Tract as per plat recorded in volume 19 of plats on page 15, records of King County, Washington.

As an express condition of this vacation, North Bend retains an easement over, under, through and along the vacated area for the purpose of construction, maintenance, and repair of public utilities and services.

Section 2. Consideration for Street Vacation: In consideration for the vacation of the portion of right-of-way legally described in Section 1 of this Ordinance, the petitioner shall pay to the City a sum, which shall be equal to 100% of the appraised value of the property to be vacated. Pursuant to RCW 35.79.030, one-half of this amount shall be dedicated to transportation capital projects within the City of North Bend. The vacation authorized by this ordinance shall not become effective until such payment is actually received by the City.

Section 3. Recording with the County Auditor: The City Clerk is hereby requested to deliver and have recorded with the King County Auditor a certified copy of this Ordinance.

Section 4. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF MARCH, 2015.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: March 11, 2015
Effective: March 16, 2015

Susie Oppedal, City Clerk